

**MEMO ENDORSED**

71 Nevins Street  
Brooklyn, NY 11217

P: (718) 852-3710

F: (718) 852-3586

www.stolllickman.com

June 12, 2008

Magistrate Judge James Francis  
United States District Court Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>6/16/08</u>
---

Re: Evans v. City of New York et al. 07CV6662(RJH)(JCF)

Dear Magistrate Judge Francis-

I write to request permission to amend the complaint in this action. I have attempted to obtain opposing counsel ACC Campbell Priveterre's consent, however her voice mail explains she will be out of the office until July 7, 2008. ACC Campbell Priveterre and I did discuss at the initial conference that I would need to amend to replace "John Does" with the correction officers identified in her initial disclosures.

I have recently received defendants' initial disclosures which include an investigation report regarding the incident underlying the complaint. The report includes statements from the correction officers involved in the incident. If permitted, I seek to add 5 correction officers who were involved in plaintiff's removal from his cell on Riker's Island.

Thank you for your consideration. Please let me know if there is any additional information I can provide.

Sincerely Yours,

  
Nicole Bellina  
718 852 4491

cc: ACC Campbell-Priveterre (BY FAX)

6/13/08  
Application denied without prejudice  
to submission of a stipulation  
or, in the alternative, a  
formal motion including a  
copy of the proposed Amended  
Complaint.

SO ORDERED  
James C. Francis IV  
USMJ